

can frustrate and fail to meet the needs of soldiers, a system that often fails to acknowledge, understand and treat some of the most debilitating, yet invisible wounds of war, leaving soldiers to return from war only to battle bureaucracy at home and leaving families at a loss on how to cope.

The Department of Defense, working with the Veterans Affairs Department and this committee and this Congress have a opportunity that does not come along often to move our nation a quantum leap forward in fulfillment of that commitment. We cannot squander this opportunity.

And, Mr. Chairman and Senator Warner, I commend this committee for the step forward you all took last week in your bill to start the process of meeting the needs of those wounded warriors and we look forward to working with you, again, to push that initiative.

Mr. Chairman, members of the committee, thank you for all you do for our soldiers and their families. The Army has no greater friend than this committee.

Article 1, Section 8 of the Constitution makes the Army and the Congress full partners in the defense of our nation and in the service of our soldiers and their families.

If confirmed, I look forward to continuing to work with you in discharging our duty to those soldiers.

I look forward to your questions. Thank you.

LEVIN: Secretary Geren, thank you for a heartfelt and a powerful statement. I can't remember that I've ever heard a better one, frankly, coming from a nominee. It was very personal and I think it had power.

I just wish every American, every soldier and everyone of their families could have heard your opening statement.

Mr. CARPER. Subsequent to his giving his statement, the chairman of the committee, CARL LEVIN, and later on Senator JOE LIEBERMAN—both praised the statement, Senator LEVIN saying, "I can't remember that I've ever heard a better one, frankly, coming from a nominee. . . ." He said it was "a heartfelt and a powerful statement."

One of my favorite sayings is: In politics, friends come and go, but our enemies accumulate. For a lot of us in this business, that is the truth. Pete Geren is the exception to that rule. He is admired and liked by people with whom he served in the House and Senate, Democrat and Republican. For a Democrat in Congress ending up to be asked to serve as Acting Secretary and Secretary of the Army is a compliment and really reflective of the kind of person he is. He is a person who tries to figure out what is the right thing to do and to do it. He routinely, consistently treats other people the way he would want to be treated. He has great values, great work ethic, and is just a terrific public servant to the people of this country.

I am delighted he has now been asked to serve and was confirmed by all of us unanimously to serve as our Secretary of the Army. It is a big job, a tough job at a tough time to serve in that capacity, but I know he will have our full support. He certainly has my support and my long-time admiration.

IRAQ

Mr. CARPER. Mr. President, I would like to step back for a few minutes and

reflect on the debate that occurred here a few nights ago with respect to the war in Iraq. One of the things I like to do is to try to see if we can't find consensus—rather than just disagreeing on issues, to try to find ways to bring us together. I have been reflecting a good deal on that debate.

I had an opportunity, along with two of our colleagues, Senator BEN NELSON and Senator MARK PRYOR, to have a breakfast meeting with Secretary Gates at the Pentagon earlier this week. That was the first time I had ever had a chance to spend any personal time with Secretary Gates, who came to us as one of the people who served on the Iraq Study Group. You may recall that, Mr. President, he served there for most of its time and has been president of Texas A&M. He served in a number of leadership posts here in earlier administrations and was a senior official in intelligence. He is a very bright, able guy and also of very good heart, someone who, over breakfast with us, was remarkably candid in his observations, not someone who tried to sugar-coat what is going on in Iraq but who just was as honest and forthright with us. That was enormously refreshing.

He is a person of strong intellect, obviously, and a person who dealt with a faculty senate at Texas A&M and I think is not uncomfortable dealing with the U.S. Senate. I have been told by any number of people who have been presidents of universities that the transition to working here in this body is not all that hard. If you can work with a faculty senate, you can work with the U.S. Senate. We have a couple of people here, ironically, who have been university presidents and now serve here, among them LAMAR ALEXANDER from the University of Tennessee.

I left the breakfast meeting actually feeling encouraged about maybe the prospects, somewhere down the line, of finding consensus.

Here in the United States, our patience grows thin with respect to our involvement there. We have been involved for over 4 years. We have lost thousands of lives, we spent hundreds of billions of dollars—money we have largely borrowed from folks such as the Chinese, South Koreans, and Japanese because these are moneys we don't have, so we simply increase our Nation's indebtedness to pay for this war. Meanwhile, those in this country who pay the taxes, whose sons and daughters, husbands and wives have gone over and been shot at, in some cases been shot, hurt, wounded, in some cases killed—they paid the price and have borne the burden. In many cases, they are tired of it, as I think most of us are. We would like to see the beginning of the end and, frankly, a new beginning at the same time for the people of Iraq.

I think for the most part most of us realize we are going to have a military involvement there, we are going to

have a presence in Iraq, maybe for several years. If you look at Kosovo, we have been out of Kosovo for 10 years, but we are still there militarily. The war ended in Korea over 50 years ago; we still have a significant military presence there. I think it is likely we are going to have a military presence in Iraq for some time. The question is, What should they be doing? What should our troops be doing?

Today, as you know, we are policing a civil war, trying to keep Sunnis and Shiites from killing each other while at the same time going after insurgents and training Iraqi troops and trying to help secure the borders of Iraq. My hope is a year from now—and I suggest a year from now—we will still have troops in Iraq, probably tens of thousands, hopefully not 140,000 or 150,000 troops. What will they be doing? My hope is they will not be policing a civil war. My hope is they will not have to be involved in trying to keep Sunnis from killing Shiites and vice versa. My expectation is there is going to continue to be a need to train and equip and supply Iraqi armed forces and police. There will be a need for our troops to protect U.S. assets, the embassy, and other physical infrastructure we have, that we own or occupy. There will be a need in some cases to join the Iraqis in counterinsurgency operations against the really bad guys. There may be an opportunity and need for us to help police the borders of Iraq with Syria and Iran, borders which leak like sieves today.

Those are the kinds of responsibilities I suspect our troops will be called upon to perform. But my hope is we will not need as many of them, not nearly as many of them, that they will not be as numerous nor as visible and hopefully not as much in danger as they have been the last 4 years.

On the Iraqi side, what I heard 4½ weeks ago, about a month ago when I was last there, is a lot of the Iraqis don't want us to be there in such great numbers. They don't want us to be as visible. They don't want us to be as numerous. Iraqi Prime Minister Maliki suggested about a week ago that whenever we are ready to step out they are ready to step up. I wish that were true. He later sort of spoke again or someone stepped in, one of his spokespeople stepped in and said that is not exactly what he said or what he meant.

I believe the Iraqis are not of one mind with regard to our presence. Some would like it if we would leave tomorrow, but a number realize we have sacrificed and given our life's blood, a lot of money, a lot of patience with them, and I think for a lot of the folks there they realize that and they appreciate that. But they don't want us to be as numerous or visible, and eventually they want to have their country back with us not as an occupying force, although some may see us as that, but have us playing a diminishing role.

What I think we have here is a growing consensus in this country to begin

reducing our presence—not this month, not this summer, maybe not until later this year. I think we need to send a signal, our President needs to send a signal to the people of our country, to the Congress, that this is not going to continue forever. We don't want it to, it is not sustainable, and it should not be our responsibility forever. Eventually, the Iraqi people have to decide whether they want a country. They have to step up. They have to be willing to make the difficult choices that at least to this point in time their leaders have been reluctant or unable to do.

I don't want to provide a strong defense for inaction on behalf of the Iraqi Parliament and Iraqi leaders, but I remind us, and we have seen it here this week, the U.S. Senate, an institution that has been around for over 200 years, how hard it is for us to come to consensus on difficult issues. We saw that as recently as last night. We saw that as recently as 2 nights earlier, when we were up all night. We, in a country that has worked with democracy and democratic traditions for over 200 years, should not be surprised that in a country where they have basically 2 years of experience, in the middle of a war and insurgency, sometimes they struggle through a democratic process to make difficult situations. It is not a surprise to me, and I don't think it should be a surprise to them or to any one of us.

Having said that, I am impatient with their inability to make tough decisions. Around here, sometimes we will hold off making a difficult decision unless we are almost staring into the abyss, we have almost no choice, they have figuratively a gun to our heads, and then when we find ourselves in that predicament, Congress—House, Senate, Democrats, Republican, the administration—will come to a consensus.

The Iraqi Parliament, Iraqi leaders are, in my view, at that abyss. When I was over there a month ago with Senator McCASKILL, we met with, among others, the Deputy Prime Minister of Iraq, an impressive fellow. He is a Kurd, from the northern part of the country. His name is Salih. We were talking about a sense of urgency and the fact that the Iraqi leaders don't feel this sense of urgency about making the difficult decisions, about sharing oil wealth and power, any decision with respect to the greater involvement for the Sunnis, providing an opportunity for the Baathist party folks, who enjoyed great power under the old regime but who basically are enjoying no responsible role at all, to give them a role to play—those kinds of decisions; municipal elections out in the provinces—they are supposed to have them, and they have not had them.

But I talked with Deputy Prime Minister Salih. We spoke about the lack of a sense of urgency on behalf of his country's leaders. He readily acknowledged that was the case.

I was looking for a sports analogy to draw with him and his countrymen,

and I said to him: Do you play basketball here? I know you play soccer—you call it football, but do you all play basketball here?

He said: We do. We don't play baseball or what you call football, but we do play some basketball.

I said: Do you recall that basketball is a four-quarter game? The Iraqi leader and the Iraqi Parliament are acting as if you are in the first quarter of the game. In truth, you are in the fourth quarter. This is the fourth quarter of the game. It is not a game, but it is the fourth quarter. We are late into the fourth quarter.

I said to the Deputy Primary Minister: Have you ever heard of something called the shot clock? He had not. Well, in American professional basketball, we have a shot clock that begins when the ball is inbound and you have so many seconds for the team on offense, with the ball, to take a shot; if you do not, you lose possession of the ball.

I said: We are in the fourth quarter. We are deep into the fourth quarter here. The shot clock has begun to run. And the Iraqi team, half of the team, is still on the sidelines. You are arguing about what the rules of the game are, who is going to get into the game, what play to call, who is going to take the shot. Meanwhile, the shot clock is running.

What the Iraqis need to do, in the Parliament where the hatred between the Sunnis and Shias is such that it makes them hard to ever feel or think like a team, somehow they have to find a way to put that behind them. They have to begin making the difficult decisions they have been unwilling and unable to make.

The Iraqi people are waiting for leadership. As in this country or any country with democratic tradition, the people yearn for strong leadership, fair leadership. The Iraqi people are looking to their leaders to show that they can work together, to figure out how to share this enormous oil wealth of their country, a country where they are capable of pumping today something like 300 million barrels of oil at \$70 a barrel. Do the math. I should say 5 million barrels of oil a day, \$70 dollars a barrel. That is \$350 million. They are pumping less than 2 million. They are literally leaving oil on the table, something like \$180 million, almost \$200 million a day on the table. These are revenues they will not realize because they simply cannot figure out how to work together. They need to figure that out.

The cabinet has figured that out. They submitted to the Parliament a plan for sharing the oil revenue. The Parliament has to act on it.

We are going to take the month of August off, not the entire month off. We will be in session until probably the first week in August, we come back right after Labor Day, so we will be out about 28 days. Meanwhile, I am told that the Iraqi Parliament was thinking about taking 2 months off this sum-

mer. They since have said they will take maybe August off. Our soldiers are not. Our soldiers, marines, our airmen, are not taking August off. They are going to be there exposed, at risk, every day for the month of August. The idea that the Iraqi Parliament will not be in session is unconscionable at a time when our troops are being asked to make such sacrifices. They need to be in session. They need to be figuring out how to deal with these difficult issues.

I am convinced if they do that, the Iraqi people will respond. As the Iraqi people respond, it provides us with an opportunity to begin redeploying our troops this year. There is plenty of work they can do in Afghanistan. In some cases there is an opportunity for them to be stationed not far away if needed. In other cases, frankly, there is even a need to have them back here. As an old Governor, commander in chief of my National Guard, I understand full well how much we relied on the National Guard, especially in times of emergency. Whether in the middle of winter or hurricane season as we have right now, there is plenty of work for them to do. Plus, they have families here. Guard and Reserves, they are being asked to do things that—as a former national flight officer, having served in Vietnam, 18 years as a Reserve naval flight officer—we were never asked to do. We are asking our troops to make extraordinary sacrifices as Reservists and Guardsmen.

There is plenty of opportunity for meaningful engagement, both in Afghanistan, in the Middle East region, not far away from Iraq, and frankly back at home for these troops to do, and simply in some cases to come back and be with their families after an extended separation; in some cases to come back and go to work with their old employers; in some cases to go back to their businesses, which are, in too many instances, in trouble in some cases out of business, and be able to resuscitate their business or breathe fresh life into it. There is plenty to do.

In the meantime, the Iraqis have 350,000 people in their military and police. Think about that. We have about 150,000 troops over there. They have 350,000. We have been working to train them now for several years. I am told some of the battalions have stepped up; they are able to go out alone. Some of them can lead, but they need our help not too far away. They have got to continue to improve their readiness and their ability to go out and lead the fight. And my counsel to the Iraqis is: You can do this, we can help, just like they say in the Home Depot ad: You can do this, we can help. We will help. God knows we have done a lot and we are prepared to do more.

The signal I hope the President would send us, once we hear from General Petraeus and Ambassador Crocker in the middle of September, is not we are going to surge for another year or two or three, but that we are going to begin redeploying our troops.

They are not going to all be out a year from now. There will be plenty for them to do. I have talked about the four or five major responsibilities they can pursue a year or so from now and for some time after that. But I think that sends the kind of signal the American people are waiting to hear. I think it sends a real strong message to the Iraqis as well that our patience is not infinite, that we have expectations of them, that they need to step up. Again, another sports analogy: They need to step up to the plate. This is their time. This is their country. It is not our country, it is their country. If they want to have a country, they have to make the decisions. If they want to have a country, they need to do what is necessary to bring their people together and to build an institution in their country that can survive and persevere and hopefully can prosper.

As we end this week, a week that has seen a lot of ups and downs here in the Senate, a week that has seen more than its usual degree of acrimony, this is a place where we actually mostly like each other, have a pretty good ability to work together with a fairly high degree of civility and comity. A lot of times too often this week that civility and comity has been lacking. Fortunately, when we left here this morning about 1 o'clock, I felt some of the bumps and bruises were now at least behind us, and we were back to a better footing. I hope as we rejoin here on Monday, we will pick up where we left off early this morning with the near unanimous passage of the Higher Education Act, something Senator KENNEDY and Senator ENZI and others have worked on, crafting together a very fine bipartisan bill, that the spirit we walked out of here with this morning will be waiting for us when we return on Monday.

I yield the floor, and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JUDICIAL NOMINATIONS

Mr. REID. Mr. President, I came to the floor a month or two ago and indicated at that time that I had had conversations with my counterpart, the distinguished Senator from Kentucky, Mr. McCONNELL. I related to the Senate that Senator McCONNELL had said to me that judicial nominations were very important to him. I said if that is the case, then they are important to me, and that I would do everything I could to expedite judicial nominations in spite of what had gone on in recent years relative to how Republicans had treated Democratic nominees of President Clinton.

As the majority leader, I take very seriously the Senate's constitutional duty to provide advice and consent with regard to all Presidential nominees, but especially judicial nominees. The judiciary is the third branch of our Federal Government and is entitled to great respect. The Senate shares a responsibility with the President to ensure that the judiciary is staffed with men and women who possess outstanding legal skills, suitable temperament, and the highest ethical standing.

In a floor statement I have given on more than one occasion—I just recounted one I gave—I expressed regret that the process for confirming judicial nominees had become too partisan in recent years. From 1995 to 2000, the Republican-controlled Senate treated President Clinton and his judicial nominees with great disrespect, leaving almost 70 nominees languishing in the Judiciary Committee without even a hearing. Some of them were there for 4 years with nothing happening. Of course, Republicans have had their complaints—most of which I feel are unjustified, but they are entitled to their opinion—about the way a handful of nominees were treated in the early years of the Bush administration.

The partisan squabbling over judicial nominees reached a low point last Congress when Majority Leader Frist threatened to use the so-called nuclear option, an illegitimate parliamentary maneuver that would have changed Senate rules in a way to limit debate on judicial nominations. It would have had long-term negative ramifications for this body. At the time I said that it was the most serious issue I had worked on in my entire time in Government, that the Republicans would even consider changing the rules so the Senate would become basically the House of Representatives. The Founding Fathers set up a bicameral legislature. The Senate has always been different from the House. That is what the Founding Fathers envisioned. That is the way it should continue. But the so-called nuclear option would have changed that forever.

The effort was averted by a bipartisan group of Senators that was unwilling to compromise the traditions of the Senate for momentary political advantage. I was never prouder of the Senate than when it turned back this misguided attempt to diminish the constitutional role of the Senate just to confirm a few more judges. I believed that had a vote taken place, that never would have happened. There were people who stepped forward. I had a number of Republicans come to me and say: I will not say anything publicly, but what is being attempted here is wrong. But remember, we only had 45 Democrats at the time, so we had to be very careful what would happen. Rather than take the chance on a vote, I was so happy that we had 14 Senators, 7 Republicans and 7 Democrats, who stepped in and said: That is not the way it should be. We were able to nego-

tiate. As a result of that negotiation, we let some judges go that with up-or-down votes here, it wouldn't have happened. But it didn't work out that way.

We averted the showdown as a result of the goodwill of 14 Democratic and Republican Senators. It went away. That is the way it should have gone away.

But in the 2 years since the nuclear option fizzled, I have worked hard, first with Senator Frist and now with Senator McCONNELL, to keep the process for considering judicial nominees on track. I said then that if the nuclear option had been initiated, and I became leader, I would reverse it. I believed so strongly it was wrong, even though we would have had an advantage at the time.

As Senate leaders, we have worked hand in hand with the very able leaders of the Judiciary Committee, Senators LEAHY and SPECTER. In the last Congress the Senate considered two Supreme Court nominees—I opposed both—Roberts and Alito. In hindsight, I did the right thing with the decisions they have made. But I worked with Senators LEAHY and SPECTER to make sure both nominees received prompt, fair, and thorough consideration in the committee and on the Senate floor.

After Senate Democrats gained a majority in last November's elections, I publicly pledged that the Senate would continue to process judicial nominees in due course and in good faith. I explained that I could not commit to a specific number of confirmations because the right way to measure the success of this process is the quality of the nominees, rather than the quantity of nominees and, ultimately, judges. I said the Senate will work hard to confirm mainstream, capable, experienced nominees who are the product of bipartisan cooperation. President Bush made a wise decision at the beginning of this Congress by not resubmitting a number of controversial judicial nominations from previous years. I took that as a sign of good faith and have tried to reciprocate by working with Chairman LEAHY to confirm non-controversial nominees in an expeditious fashion.

So far this year we have confirmed three court of appeals nominees. Again in hindsight, that is three more than were confirmed in a similar year in the last Clinton term. But we have confirmed three, including a nomination to the Ninth Circuit about which there was some dispute as to whether the seat should be filled by a Californian or someone from Idaho. We have also confirmed 22 district court nominees, and we continue to vote on those at a steady pace.

The judicial confirmation process is working well. We have confirmed 25 judges. It is certainly working much better than it worked when there was a Republican Senate processing President Clinton's nominees. As a result, the judicial vacancy rate is at an all-time low. I have said on the floor and